

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture proposes to amend Sections 1380.19(p) and 1442.7 of the regulations in Title 3 of the California Code of Regulations pertaining to melons other than cantaloupes.

Notice is also given of a written public comment period. Any interested person may present statements or arguments in writing relevant to the proposed regulation until 5:00 p.m. on June 1, 2004. Please refer to the contact section of this notice for the contact persons and address information when submitting comments.

A public hearing is not scheduled but will be if any interested person, or his or her duly authorized representative, submits a written request for public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing (if one is requested) or following the written comment period (if no public hearing is requested), the Department of Food and Agriculture, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing Section 1380.19, subsection (p) of the California Code of Regulations describes the dimensions of six existing standard containers used for melons other than cantaloupes (hereinafter referred to as melons).

The specific purpose of amending Section 1380.19, subsection (p) is to adopt a new standard container, 44Q, for melons having specified dimensions of an inside depth, and an outside width and length.

Section 1442.7 requires that all melons, except as otherwise provided for, be packed in one of six standard containers. The specific purpose of amending Section 1442.7 is to adopt 44Q as a new standard container for shipping of melons.

#### **FISCAL IMPACT STATEMENTS**

The Department has initially determined that these proposed regulations would have no effect on savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department determined that these proposed regulations do not impose a mandate on local agencies or school districts.

### **EFFECT ON SMALL BUSINESS**

The Department has initially determined that the proposed changes in the regulations would result in no significant added costs to small businesses affected by these proposed changes. This is based on the fact that the proposal offers an additional alternative for shipping melons, a new standard container that meets the needs of the affected commodity groups without requiring change on the part of industry.

### **EFFECT ON HOUSING COSTS**

The Department has initially determined that the amendments of the proposed regulation would have no effect on housing costs.

### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Department has initially determined that these proposed changes would have no statewide adverse economic impact directly affecting businesses, including the ability for California businesses to compete with businesses in other states.

### **ASSESSMENT STATEMENT**

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS**

The Department is not aware of any significant cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

### **AUTHORITY AND REFERENCE**

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407 and 42682 of the Food and Agricultural Code, and to implement, interpret, and make specific Section 42941 of the Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

## **CONTACT**

Inquiries concerning the proposed administrative action may be directed to Sonja Dame or Gary Manning. Inquiries pertaining to the substance of the proposed regulation may be directed to Gary Manning. The contact persons may be reached at the Department of Food and Agriculture, Inspection and Compliance Branch, 1220 N Street, Sacramento, CA 95814, (916) 445-2180, fax (916) 445-2427. Written comments may also be submitted via e-mail to [sdame@cdfa.ca.gov](mailto:sdame@cdfa.ca.gov).

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

A complete copy of existing regulations, the proposed changes, and the Initial Statement of Reasons may be obtained on request from the Department of Food and Agriculture. These documents are available on our website at [www.cdfa.ca.gov/cdfa/regs](http://www.cdfa.ca.gov/cdfa/regs).

In addition, all information, including reports, documentation, and other materials (rulemaking file) related to the proposed action is available upon request from the agency contact persons named in the notice. The Final Statement of Reasons, when available, may also be obtained from the agency contact persons named in the notice. The text of the proposed regulations with any sufficiently related changes clearly indicated will be made available for 15 days prior to adoption.

DEPARTMENT OF FOOD AND AGRICULTURE

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Date

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Valerie Brown, Deputy Secretary